

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DARREN HEYMAN,

## Plaintiff

V.

STATE OF NEVADA EX REL. BOARD OF  
REGENTS OF THE NEVADA SYSTEM OF  
HIGHER EDUCATION ON BEHALF OF  
UNIVERSITY OF NEVADA, LAS VEGAS,  
et al.,

## Defendants

Case No.: 2:15-cv-01228-APG-GWF

## **Order Overruling Plaintiff's Objections to Magistrate Judge's Order Granting Defendants' Motion for Protective Order**

[ECF Nos. 188, 205]

On September 26, 2017, Magistrate Judge Foley granted the defendants'<sup>1</sup> motion for a protective order. ECF No. 188. Plaintiff Darren Heyman objected to that ruling, arguing that (1) the defendants' motion violated Federal Rule of Civil Procedure 26(c)(1) and Local Rule 26-7(c) because it did not outline the defendants' efforts to confer with Heyman; (2) the defendants' motion was included in a supplement to a response, so Heyman was unable to file an opposition; (3) Judge Foley's ruling prevents Heyman from collecting evidence relevant to his claims; and (4) Judge Foley's ruling claimed that certain facts were undisputed when they are still unresolved. ECF No. 205.

18 A magistrate judge's ruling on a pretrial matter such as a protective order is "not subject  
19 to *de novo* determination." *Grimes v. City & Cty. of San Francisco*, 951 F.2d 236, 241 (9th Cir.  
20 1991) (quoting *Merrit v. Int'l Bhd. of Boilermakers*, 649 F.2d 1013, 1017 (5th Cir. 1981)). I  
21 reconsider the matter only if it "has been shown [that] the magistrate judge's order is clearly

<sup>1</sup> The motion for a protective order was filed by all the defendants except Rhonda Montgomery.

1 erroneous or is contrary to law.” Local Rule IB 3-1(a); Federal Rule of Civil Procedure 72(a); 28  
2 U.S.C. § 636(b)(1).

3 I have reviewed Judge Foley’s ruling, Heyman’s objection, and the underlying papers. The  
4 defendants’ motion included a discussion of their “meet and confer” efforts (ECF No. 160 at 5-6);  
5 the motion was included in a supplement pursuant to Judge Foley’s order (ECF No. 227-7 at 29,  
6 33); Heyman was able to respond both in his own supplement and at a hearing before Judge Foley  
7 (ECF No. 162; ECF No. 227-10 at 6); and Judge Foley provided extensive justifications for  
8 concluding that the issues covered in the protective order were not relevant to Heyman’s  
9 underlying claims (ECF No. 188 at 10-17). Judge Foley’s order is not clearly erroneous or contrary  
10 to law. Therefore, Magistrate Judge Foley’s ruling (**ECF No. 188**) is affirmed in its entirety, and  
11 Heyman’s objection (**ECF No. 205**) is overruled.

12 DATED this 22nd day of January, 2019.

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15 ANDREW P. GORDON  
16 UNITED STATES DISTRICT JUDGE  
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